

REMARKS

Status of the Claims

Claims 1-36 were presented for examination in this application, including independent claims 1, 6, 8, 27, 29 and 33. An Office action was issued on May 16, 2005, and an Amendment and Response was filed on August 11, 2005 in response thereto, addressing each of the rejections. A final Office action was issued on September 16, 2005, in which the claim amendments were entered, but rejected. A subsequent amendment after final was filed on November 15, 2005, but refused entry in an Advisory Action, issued on December 8, 2005. In response, a Request for Continued Examination was filed on December 15, 2005, and in response the amendments submitted in the November 15, 2005, response were entered. On March 1, 2006, an Office action was issued rejecting claims 1-36.

As a result, all pending claims stand rejected under U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,587,438 to Brendel (“Brendel”).

Claim Amendments and Interview Summary

Applicants thank Examiner Vu for his time and courtesy extended during the telephonic interview on May 5, 2006, with the undersigned attorney, and for the helpful suggestions with respect to claim amendments. The following discussion is intended to constitute a proper recordation of this interview in accordance with MPEP §713.04, and also to provide a full response to the Office action.

The May 5, 2006, discussion focused on the independent claims, primarily on the differences between the claimed invention and the Brendel reference. Consistent with these discussions and the Examiner’s suggestions, Applicants have amended claims 1, 6-9, 11-14, 23, 24, 27, 29, 31 and 35 to more particularly define the subject matter they regard as their invention, and note that, as discussed during the interview and in more detail below, Brendel, or any other reference of record, either alone or in proper combination, does not teach or suggest the inventions defined by the amended claims.

No new matter has been introduced by these amendments, support therefor being found throughout the specification, as well as in claims 1-36, as originally filed. Applicants submit that the claim amendments recited above duly comply with the requirements of 37 C.F.R 1.116 and respectfully request entry of these claim amendments.

Cited Art

Brendel

Brendel describes a method for determining an optimal path through a network based on actual packet transmissions. Multiple packets are sent from web server to a client, and each packet is assigned a unique identifier and a common final destination IP address. Each packet header also instructs the packet which path to traverse through the network in order to reach the final destination. When the first packet reaches the client, the client acknowledges such receipt by sending a packet back to the server, thus identifying the packet and the path associated with that packet. Subsequent packets can then sent using that path. See, Abstract.

Claim Rejections

Independent Claims 1 and 8

Independent claim 1, as amended, recites an apparatus that includes “a file-splitting processor for splitting a file into a plurality of message segments and assigning one of a plurality of different final destination addresses to each segment, the plurality of final destination addresses being assigned to a receiving host.” Also, claim 8, as amended, recites a method that includes “splitting the file into a plurality of message segments,” and addressing “each message segment of the plurality of message segments using one of a plurality of different final destination addresses assigned to a receiving host.”

Thus, Applicants’ claimed invention contemplates assigning different final destination addresses to file segments that are being sent to the same destination host. As a result, individual file segments do not carry enough information to permit one intercepting a subset of the packets to determine which packets belong to any particular file without knowing which destination

addresses represent the same receiving host. Brendel simply does not teach or suggest this approach or the above claim limitations. Instead, in contrast to Applicants' claims 1 and 8, in Brendel, the multiple packets are assigned "the same final destination address, that of the client." Brendel, col. 10 lines 61-61. By assigning each packet the same destination address, Brendel is expressly precluding using the claimed techniques.

Accordingly, because Brendel does not teach or suggest every element of independent claims 1 and 8, as amended, Applicants respectfully submit that Brendel, alone or in combination with any other reference, fails to anticipate these independent claims. Without acquiescing to the rejection of claims 2-5 and 9-26, Applicants note that these claims depend directly from either claim 1 or claim 8, as amended, and include all the limitations thereof, and thus, are also patentable. Reconsideration and withdrawal of the rejection of claims 1-5 and 8-26 under 35 U.S.C. §102(e) is respectfully requested.

Independent Claims 6 and 27

Claims 6, 7, 27 and 28 were also rejected under 35 U.S.C. §102(e) as being anticipated by Brendel. As described above, Brendel describes a system for routing messages to receivers using multiple paths through a network, but always using the same final destination address, and relies on a common source address to receive acknowledgement packets from the client to determine the optimal path. However, independent claims 6 and 27, as amended, both recite "splitting a file into a plurality of message segments" and "assigning one of a plurality of different initial source addresses to each message segment." Brendel, however, does not teach or suggest the above limitations. Again, unlike the system described by Brendel, Applicants' claimed invention assigns one of multiple different addresses representing the initial source host *to each file segment* of a file in preparation for transmission over a network. As a result, similarly to claims 1 and 8, individual file segments do not carry enough information to permit one intercepting a subset of the packets to determine which packets belong to any particular file or the host from which they originated. Thus, in contrast to Brendel, the file segments of one file are transmitted with different source information and, therefore, in a substantially more secure manner.

Accordingly, because Brendel does not teach or suggest every element of independent claims 6 and 27, as amended, Applicants respectfully submit that Brendel, either alone or in combination with any other reference, fails to render these claims as obvious. Without acquiescing to the rejection of claims 7 and 28, Applicants note that these claims depend directly from claims 6 and 27, as amended, respectively, and include all the limitations thereof, and thus, are also patentable. Reconsideration and withdrawal of the rejection of claims 6, 7, 27 and 28 under 35 U.S.C. §102(e) is respectfully requested.

Independent Claim 29

Claims 29 also stands rejected under 35 U.S.C. §102(e) as being anticipated by Brendel. Claim 29, as amended, recites “splitting the file into a plurality of message segments, each message segment comprising one of a plurality of different final destination specifiers attributed to a final destination host, encrypted protocol information and encrypted message data.” As discussed above, Brendel does not teach or suggest the above limitations.

Accordingly, because Brendel does not teach or suggest every element of independent claim 29, as amended, Applicants respectfully submit that Brendel, either alone or in combination with any other reference, fails to render these claims as obvious. Without acquiescing to the rejection of claims 30-32, Applicants note that these claims depend directly from claim 29, as amended, and include all the limitations thereof, and thus, are also patentable. Reconsideration and withdrawal of the rejection of claims 29-32 under 35 U.S.C. §102(e) is respectfully requested.

Independent Claim 33

Claim 33 recites, in part, “assigning each host of a plurality of hosts to a first domain of a plurality of domains” and “restricting network traffic to message transmissions among hosts within the same domain or neighboring domains.” Brendel does not teach or suggests these limitations. In fact, Brendel makes no mention of restricting network traffic to hosts within a particular domain.

In light of the foregoing, reconsideration and withdrawal of the rejections of independent claim 33 and claims 35-36 dependent therefrom under 35 U.S.C. §102(e) based on Brendel is respectfully requested.

CONCLUSION

Applicants respectfully submit that, in light of the foregoing remarks, claims 1-36 are in condition for allowance, and request that application proceed to issue. If, in the Examiner's opinion, another telephonic interview would expedite the favorable prosecution of the present application, the undersigned attorney would welcome the opportunity to discuss any outstanding issues and to work with the Examiner toward placing the application in condition for allowance.

Respectfully submitted,

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